

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4507  
OFFERED BY MR. CONNOLLY OF VIRGINIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Protection of Saudi  
3 Dissidents Act of 2020”.

**4 SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) Jamal Khashoggi, a United States resident,  
7       Saudi journalist, and Washington Post columnist,  
8       was killed and dismembered in the Saudi consulate  
9       in Istanbul, Turkey on October 2, 2018, by at least  
10      14 intelligence officers of the Government of Saudi  
11      Arabia. Khashoggi was lured to the consulate under  
12      the false cover of needing to address a consular mat-  
13      ter. Following the killing, 17 officers from the Saudi  
14      intelligence service, or Mabahith, reportedly visited  
15      Istanbul and cleansed the crime scene.

16           (2) At the time of his murder, Khashoggi was  
17      living in Virginia under an “O” visa and was in the  
18      process of applying for a permanent residency.

1           (3) A subsequent, highly-credible investigation  
2       by the United Nations concluded that Khashoggi's  
3       killing was premeditated and that the mission was  
4       endorsed, planned, and overseen by senior Saudi of-  
5       ficials.

6   **SEC. 3. RESTRICTIONS ON TRANSFERS OF DEFENSE ARTI-**  
7                   **CLES AND SERVICES, DESIGN AND CON-**  
8                   **STRUCTION SERVICES, AND MAJOR DEFENSE**  
9                   **EQUIPMENT TO SAUDI ARABIA.**

10       (a) IN GENERAL.—Beginning on the date that is 120  
11   days after the date of the enactment of this Act, the Presi-  
12   dent may not sell, authorize a license for the export of,  
13   or otherwise transfer any defense articles or services, de-  
14   sign and construction services, or major defense equip-  
15   ment under the Arms Export Control Act (22 U.S.C. 2751  
16   et seq.), regardless of the amount of such articles, services,  
17   or equipment, to an intelligence, internal security, or law  
18   enforcement agency or instrumentality of the Government  
19   of Saudi Arabia, or to any person acting as an agent of  
20   or on behalf of such agency or instrumentality, unless the  
21   President has submitted to the chairman and ranking  
22   member of the appropriate congressional committees a  
23   certification described in subsection (b).

24       (b) CERTIFICATION.—A certification described in this  
25   subsection is a certification that contains a determination

1 of the President that, during the 120-day period preceding  
2 the date of submission of the certification, the Government  
3 of Saudi Arabia has not conducted any activities through  
4 its intelligence, internal security, or law enforcement agen-  
5 cies or instrumentalities that constitute forced repatri-  
6 ation, silencing, or killing of dissidents in other countries.

7 (c) WAIVER.—The President may waive the restric-  
8 tions in this section if the President determines and sub-  
9 mits to the appropriate congressional committees written  
10 notice and justification not later than 15 days before the  
11 granting of such waiver, that such a waiver is in the na-  
12 tional security interests of the United States.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
14 DEFINED.—In this section, the term “appropriate con-  
15 gressional committees” means—

16 (1) the Committee on Foreign Affairs, the Per-  
17 manent Select Committee on Intelligence, and the  
18 Committee on Armed Services of the House of Rep-  
19 resentatives; and

20 (2) the Committee on Foreign Relations, the  
21 Select Committee on Intelligence, and the Com-  
22 mittee on Armed Services of the Senate.

1 **SEC. 4. REPORT ON CONSISTENT PATTERN OF ACTS OF IN-**  
2 **TIMIDATION OR HARASSMENT DIRECTED**  
3 **AGAINST INDIVIDUALS IN THE UNITED**  
4 **STATES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Section 6 of the Arms Export Control Act  
7 (22 U.S.C. 2756) states that no export licenses or  
8 other authorizations may be issued for the export of  
9 goods or services to any country determined by the  
10 President to be engaged in a consistent pattern of  
11 acts of intimidation or harassment directed against  
12 individuals in the United States.

13 (2) Section 6 of the Arms Export Control Act  
14 further requires the President to report any such de-  
15 termination promptly to the Speaker of the House of  
16 Representatives, the Committee on Foreign Affairs  
17 of the House of Representatives, and to the chair-  
18 man of the Committee on Foreign Relations of the  
19 Senate.

20 (b) REPORT.—Not later than 60 days after the date  
21 of the enactment of this Act, the President shall submit  
22 to the appropriate congressional committees a report on—

23 (1) whether any official of the Government of  
24 Saudi Arabia engaged in a consistent pattern of acts  
25 of intimidation or harassment directed against

1       Jamal Khashoggi or any individual in the United  
2       States; and

3           (2) whether any United States-origin defense  
4       articles were used in the activities described in para-  
5       graph (1).

6       (c) FORM.—The report required by subsection (b)  
7       shall be submitted in unclassified form but may contain  
8       a classified annex.

9       (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
10      DEFINED.—In this section, the term “appropriate con-  
11      gressional committees” means—

12           (1) the Committee on Foreign Affairs and the  
13      Permanent Select Committee on Intelligence of the  
14      House of Representatives; and

15           (2) the Committee on Foreign Relations and  
16      the Select Committee on Intelligence of the Senate.

17      **SEC. 5. REPORT AND CERTIFICATION WITH RESPECT TO**  
18                      **SAUDI DIPLOMATS AND DIPLOMATIC FACILI-**  
19                      **TIES IN THE UNITED STATES.**

20      (a) REPORT.—Not later than 120 days after the date  
21      of the enactment of this Act, the President shall submit  
22      to the appropriate congressional committees a report cov-  
23      ering the three-year period preceding such date of enact-  
24      ment regarding whether and to what extent covered per-  
25      sons used diplomatic credentials, visas, or covered facilities

1 to facilitate monitoring, tracking, surveillance, or harass-  
2 ment of, or harm to, other nationals of Saudi Arabia living  
3 in the United States.

4 (b) CERTIFICATION.—

5 (1) IN GENERAL.—Not later than 120 days  
6 after the date of the enactment of this Act, the  
7 President shall, if the President determines that  
8 such is the case, submit to the appropriate congres-  
9 sional committees a certification that covered per-  
10 sons are not using diplomatic credentials, visas, or  
11 covered facilities to facilitate monitoring, tracking,  
12 surveillance, or harassment of, or harm to, other na-  
13 tionals of Saudi Arabia living in the United States  
14 during the time period covered by each such certifi-  
15 cation.

16 (2) FAILURE TO SUBMIT CERTIFICATION.—If  
17 the President does not submit a certification under  
18 paragraph (1), the President shall—

19 (A) close one or more covered facilities for  
20 such period of time until the President does  
21 submit such a certification; and

22 (B) submit to the appropriate congres-  
23 sional committee a report that contains—

1 (i) a detailed explanation of why the  
2 President is unable to make such a certifi-  
3 cation;

4 (ii) a list and summary of engage-  
5 ments of the United States Government  
6 with the Government of Saudi Arabia re-  
7 garding the use of diplomatic credentials,  
8 visas, or covered facilities described in  
9 paragraph (1); and

10 (iii) a description of actions the  
11 United States Government has taken or in-  
12 tends to take in response to the use of dip-  
13 lomatic credentials, visas, or covered facili-  
14 ties described in paragraph (1).

15 (c) FORM.—The report required by subsection (a)  
16 and the certification and report required by subsection (b)  
17 shall be submitted in unclassified form but may contain  
18 a classified annex.

19 (d) WAIVER.—The President may waive the restric-  
20 tions in this section if the President determines and sub-  
21 mits to the appropriate congressional committees written  
22 notice and justification not later than 15 days before the  
23 granting of such waiver, that such a waiver is in the na-  
24 tional security interests of the United States.

25 (e) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2 TEES.—The term “appropriate congressional com-  
3 mittees” means—

4 (A) the Committee on Foreign Affairs and  
5 the Permanent Select Committee on Intelligence  
6 of the House of Representatives; and

7 (B) the Committee on Foreign Relations  
8 and the Select Committee on Intelligence of the  
9 Senate.

10 (2) COVERED FACILITY.—The term “covered  
11 facility” means a diplomatic or consular facility of  
12 Saudi Arabia in the United States.

13 (3) COVERED PERSON.—The term “covered  
14 person” means a national of Saudi Arabia  
15 credentialed to a covered facility.

16 **SEC. 6. REPORT ON THE DUTY TO WARN OBLIGATION OF**  
17 **THE GOVERNMENT OF THE UNITED STATES.**

18 (a) FINDINGS.—Congress finds that Intelligence  
19 Community Directive 191 provides that—

20 (1) when an element of the intelligence commu-  
21 nity of the United States collects or acquires credible  
22 and specific information indicating an impending  
23 threat of intentional killing, serious bodily injury, or  
24 kidnapping directed at a person, the agency must

1 “warn the intended victim or those responsible for  
2 protecting the intended victim, as appropriate”; and

3 (2) when issues arise with respect to whether  
4 the threat information rises to the threshold of  
5 “duty to warn”, the directive calls for resolution in  
6 favor of warning the intended victim.

7 (b) REPORT.—Not later than 90 days after the date  
8 of the enactment of this Act, the Director of National In-  
9 telligence, in coordination with the heads of other relevant  
10 United States intelligence agencies, shall submit to the ap-  
11 propriate congressional committees a report with respect  
12 to—

13 (1) whether and how the intelligence community  
14 fulfilled its duty to warn Jamal Khashoggi of threats  
15 to his life and liberty pursuant to Intelligence Com-  
16 munity Directive 191; and

17 (2) in the case of the intelligence community  
18 not fulfilling its duty to warn as described in para-  
19 graph (1), why the intelligence community did not  
20 fulfill this duty.

21 (c) FORM.—The report required by subsection (b)  
22 shall be submitted in unclassified form but may contain  
23 a classified annex.

24 (d) DEFINITIONS.—In this section:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2       TEES.—The term “appropriate congressional com-  
3       mittees” means—

4           (A) the Committee on Foreign Affairs and  
5       the Permanent Select Committee on Intelligence  
6       of the House of Representatives; and

7           (B) the Committee on Foreign Relations  
8       and the Select Committee on Intelligence of the  
9       Senate.

10       (2) DUTY TO WARN.—The term “duty to warn”  
11       has the meaning given that term in Intelligence  
12       Community Directive 191, as in effect on July 21,  
13       2015.

14       (3) INTELLIGENCE COMMUNITY.—The term  
15       “intelligence community” has the meaning given  
16       such term in section 3(4) of the National Security  
17       Act of 1947 (50 U.S.C. 3003(4)).

18       (4) RELEVANT UNITED STATES INTELLIGENCE  
19       AGENCY.—The term “relevant United States intel-  
20       ligence agency” means any element of the intel-  
21       ligence community that may have possessed intel-  
22       ligence reporting regarding threats to Jamal  
23       Khashoggi.

